

Military, Veterans, and Indian Affairs

See full summary documents for additional detail

H97 - 2015 Appropriations Act, Sec. 24.1: Creation of Department (SL 2015-241)

Sec. 24.1 of S.L. 2015-241, as amended by Sec. 7.3 of S.L. 2015-268, creates a new Department of Military and Veterans Affairs. The Secretary of Military and Veterans Affairs is the head of the new Department and its powers and duties consist of those previously vested in the following entities:

- The Veterans' Affairs Commission of the Department of Administration.
- The Governor's Jobs for Veterans Committee of the Department of Administration.
- The Division of Veterans Affairs of the Department of Administration.
- The North Carolina Military Affairs Commission in the Office of the Governor.

This section became effective July 1, 2015.

H97 - 2015 Appropriations Act, Sec. 24.2: Restore State Contribution to County Veterans Services Programs (SL 2015-241)

Sec. 24.2 of S.L. 2015-241 directs the Department of Military and Veterans Affairs to provide funds for the operation and maintenance of county veterans services programs to counties that apply for them. Where the funds appropriated for this purpose in a particular fiscal year exceed the total amount requested from counties by December 31, each county must receive the full amount requested. Where this is not the case, each county's share must be a pro rata share of the total funds available for this purpose. \$200,000 was made available for this purpose during the 2015 fiscal year.

This section became effective July 1, 2015.

H97 - 2015 Appropriations Act, Sec. 24.3: Base Realignment and Closure (BRAC) Special Fund (SL 2015-241)

Sec. 24.3 of S.L. 2015-241 creates the Military Presence Stabilization Fund in the Department of Military and Veterans Affairs to fund actions designed to make the State less vulnerable to closure pursuant to federal Base Realignment and Closure and related initiatives. The Secretary of Military and Veterans Affairs is authorized to make allocations from the Fund for this purpose.

Use of funds in the Military Presence Stabilization Fund for the 2015-2016 fiscal year is limited as follows:

- Up to \$200,000 can be used to provide grants to local communities or military installations.

The remaining \$1,475,000 may be used for any of the following:

- Administrative expenses and reimbursements for members of the Commission.

- Federal advocacy and lobbying support.
- Updates to strategic planning analysis and strategic plan.
- Economic modeling software and analyses.
- Compatible development mapping (red, yellow, green mapping).
- Public-public/public-private (P4) initiative.
- Identification and implementation of innovated measures to increase the military value of installations.

This section became effective July 1, 2015.

H254 - Protect National Guard Reemployment Rights (SL 2015-161)

S.L. 2015-161 expands employment protections granted to members of the North Carolina National Guard to include members of the National Guards of other states.

This act became effective October 1, 2015, and applies to denials of initial employment, reemployment, retention in employment, promotion, or any benefit of employment by an employer on or after that date.

H340 - Weekend Burials/State Veterans Cemeteries (SL 2015-69)

S.L. 2015-69 provides that burial services must be conducted at all State veterans cemeteries every day of the week that is not a State or federal holiday.

This act became effective June 11, 2015.

H371 - Terror Claims/Damages/Liability for Support, Sec. 2.5: National Guard Concealed Weapons (SL 2015-215)

Sec. 2.5 of S.L. 2015-215 exempts members of the North Carolina National Guard who have been designated in writing by the Adjutant General, who have a concealed handgun permit, and who are acting in the discharge of their official duties from the general prohibition against carrying a concealed weapon.

This section became effective August 18, 2015.

H558 - Reserve and National Guard/Military Affairs Commission (SL 2015-297)

S.L. 2015-297 adds two voting members to the North Carolina Military Affairs Commission to be appointed by the Governor. One of the new members must be a current or retired member of the North Carolina National Guard and the other one must be a current or retired member of one of a reserve component of the United States Armed Forces.

This act became effective October 30, 2015.

H595 - Military Experience/Law Enforcement Officer Certification Requirements (SL 2015-49)

S.L. 2015-49, as amended by Sec. 37 of S.L. 2015-264, establishes procedures to be followed by the Criminal Justice Education and Training Standards Commission in certifying current or former military police officers, and increases the Commission's membership from 31 to 34 voting members by adding the SBI Director, the State Highway Patrol Commander and a juvenile justice officer appointed by the Governor.

This act became effective June 3, 2015

H691 - Assault on National Guard Member (SL 2015-74)

S.L. 2015-74 makes it a felony to commit the following types of assaults on a member of the North Carolina National Guard who is discharging or attempting to discharge official duties: (i) assault inflicting serious bodily injury; (ii) assault inflicting physical injury; (iii) assault with a firearm.

This act became effective December 1, 2015, and applies to offenses committed on or after that date.

H709 - North Carolina National Guard Tuition Assistance Benefit Amendment (SL 2015-298)

S.L. 2015-298 extends eligibility for North Carolina National Guard tuition assistance to eligible North Carolina National Guard members enrolled in a program granting graduate certificates. An identical change was also made in Sec. 66 of S.L. 2015-264.

This act became effective October 30, 2015.

H850 - Eastern Band of Cherokees/Law Enforcement (SL 2015-287)

S.L. 2015-287 authorizes the Eastern Band of Cherokee Indians to establish a police force, tribal alcohol enforcement, a probation and parole agency, and a natural resources enforcement agency.

This act became effective October 23, 2015.

H912 - Taxation of Tribal Land and Tobacco Products (SL 2015-262)

S.L. 2015-262 does the following three things:

- It exempts from property tax real and personal property located on lands held in trust by the United States for the Eastern Band of Cherokee Indians, regardless of ownership, effective for taxes imposed for taxable years beginning on or after July 1, 2016.
- It allows the Department of Revenue to enter into an agreement with the Eastern Band of Cherokee Indians regarding the excise tax on tobacco products.
- It clarifies the legislative intent of Section 4 of S.L. 2015-98 (ABC Omnibus Legislation) to provide that distillers who sell bottles of liquor at the distillery are not required to remit portions of the cost of the bottle to the State warehouse or the local ABC board. [For a more detailed explanation of this provision, please see the summary for S.L. 2015-98 (HB 909) in the ALCOHOLIC BEVERAGE CONTROL subject area].

Except as otherwise provided, this act became effective September 30, 2015.

S43 - Commercial Drivers Licenses for Veterans Revisions (SL 2015-115)

S.L. 2015-115 amends the skills test waiver for CDL applicants with military experience by:

- Expanding the time period allowed between a retired or discharged applicant being regularly employed in a qualified position and the date of application for the CDL from 90 days to one year; and
- Providing an additional method of certification of eligibility for the waiver (besides certification by a commanding officer) by allowing the applicant to provide a Form DD 214 and a military-issued drivers license.

This act became effective June 24, 2015.

S97 - State Advisory Council on Indian Education (SL 2015-295)

S.L. 2015-295 changes the composition of the State Advisory Council on Indian Education (Council) as follows:

- Clarifies that the two higher education appointments preferably be faculty members, one to be appointed by the Board of Governors of The University of North Carolina, and one to be appointed by the State Board of Community Colleges.
- Reduces the number of American Indian parents from eight to five, and clarifies that appointed parents must be of students enrolled in the K-12 public schools, including charter schools.
- Increases the number of American Indian K-12 public school educators from two to five and requires one member be a director or coordinator of a Title VII Indian Education program under the federal Elementary and Secondary Education Act. The act would define a K-12 educator to include a licensed North Carolina school administrator, classroom teacher, resource teacher, or school counselor.
- Recognizes three new tribes or organizations (Occaneechi Band of the Saponi Nation, Sappony, and Triangle Native American Society) that American Indian members of the Council must be broadly representative of, as well as tribes recognized by the United States Department of the Interior, Bureau of Indian Affairs.

Members currently serving on the Council will serve out the remainder of their terms. New members will be appointed under the changes set forth in this act when terms expire or vacancies occur. The act also clarifies references to "Indian" as someone who is an "American Indian."

This act became effective October 29, 2015.

S478 - In-State Tuition For Certain Veterans/Federal Program (SL 2015-116)

S.L. 2015-116, as amended by Sec. 3.9 of S.L. 2015-268 and Sec. 65.5 of S.L. 2015-264, makes the following changes related to in-state tuition for veterans: (i) repeals requirements for constituent institutions and community colleges to participate in the Yellow Ribbon Program and (ii) provides that certain non-resident veterans and other individuals entitled to federal education benefits under the Montgomery GI Bill Active Duty Education Program or the Post-9/11 Educational Assistance Program are eligible for in-state tuition by waiving the 12-month residency requirement if certain conditions are met.

The 12-month residency requirement is waived for any veteran who meets the following criteria:

- Served active duty for at least 90 days in the Armed Forces, the Commissioned Corps of the U.S. Public Health Service, or the National Oceanic and Atmospheric Administration and was discharged or released from service.
- Qualifies for admission to the institution of higher education.
- Enrolls within three years of the veteran's discharge or release.
- Qualifies for and uses federal educational benefits under either the Montgomery GI Bill Active Duty Education Program or Post-9/11 Educational Assistance.
- Abides in North Carolina.
- Provides the institution of higher education with a letter of intent to establish legal residence in North Carolina.

The 12-month residency requirement is waived for any other person who meets the following criteria:

- The person is the recipient of a veteran's federal educational benefits under either the Montgomery GI Bill Active Duty Education Program or Post-9/11 Educational Assistance.
- The person qualifies for admission and enrolls in an institution of higher education within three years of the veteran's discharge or release from the Armed Forces, the Commissioned Corps of the U.S. Public Health Service, or the National Oceanic and Atmospheric Administration.
- The person's abode is North Carolina.
- The person provides the institution of higher education with a letter of intent to establish legal residence in North Carolina.

The act also provides that, after the expiration of the 3-year period following discharge or death, any enrolled veteran or recipient of transferred federal educational benefits for whom the 12-month residency requirement was waived will continue to be eligible for the in-State tuition rate so long as the veteran or recipient remains continuously enrolled at that same institution of higher education.

This act became effective July 1, 2015, and applies to qualifying veterans and other individuals entitled to federal educational benefits under the Montgomery GI Bill Active Duty Education Program or Post-9/11 Educational Assistance who are enrolled or who enroll in institutions of higher education for any academic quarter, term, or semester that begins on or after that date.

S545 - Workforce Enrichment/Veterans (SL 2015-143)

S.L. 2015-143 requires an occupational licensing board to issue a license to a military-trained applicant if the applicant demonstrates military occupational specialty certification and experience in the licensed occupational field and passes a proficiency examination offered by the licensing board to military-trained applicants.

This act became effective July 8, 2015.